

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No.39

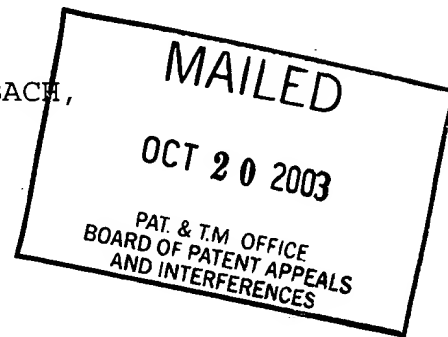
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GUNTER BAUR, WALTRAUD FEHRENBACH,
BARBARA W. NE STAUDACHER,
FRIEDRICH WINDSCHEID,
and RUDOLF KIEFER

Application No. 08/627,386

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received at the Board of Patent Appeals and Interferences on September 8, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 4, 2003, A Response was filed (Paper No. 38) and has been matched with this application at the Board of Patent Appeals and Interferences. The Response needs to be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the Response, notification to applicants of consideration and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INFERENCES

By: 

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RA04-0027

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